

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.7227 OF 2015

ORDER :

This Writ Petition is filed for a writ of *mandamus* declaring the action of the 4th respondent in seizing the petitioner's Goods vehicle bearing No.AP-07-W-9388, as arbitrary and illegal and consequently, direct respondents 2 to 4 to release the same.

2. Learned counsel for the petitioner submits that though the petitioner produced valid transit pass authorizing the vehicle to transport 12 Cu.m sand as per the Rules, respondent No.4 seized the petitioner's vehicle on the ground he is transporting excess sand and hence, he prays to release the petitioner's vehicle along with sand.

3. On the other hand, learned Government Pleader for Home submits that since the petitioner is carrying excess sand in violation of the Rules, he prays to dismiss the Writ Petition.

4. Heard the learned Government Pleader for Panchayat Raj.

5. A perusal of the letter, dated 02.03.2015, addressed by the 4th respondent to the Revenue Divisional Officer, Guntur, shows that the petitioner is transporting excess sand, but as per the transit pass, the petitioner is entitled to carry only 12 Cu.m sand. The Revenue Divisional Officer is to verify and take steps for measurement of sand whether the transportation of sand is within 12 Cu.m.

6. Therefore, the petitioner is directed to file an application before the 3rd respondent for release of the vehicle and thereafter, the 3rd respondent shall consider the same and if he is satisfied that the petitioner is not carrying more than 12 Cu.M. of sand, the vehicle of the petitioner along with sand shall be released. If the 3rd respondent is not satisfied with the same, he may pass orders as per G.O.Ms.No.95, dated 28.08.2014 for release of the vehicle, within one week from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

Date: 20.03.2015
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